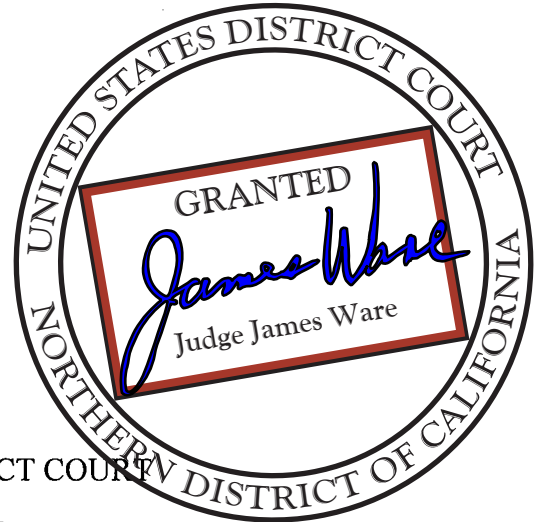


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH BIRDSONG, individually and as
representative of the CLASS,

Plaintiff,

vs.

APPLE COMPUTER, INC.,

Defendant.

Case No. C 06-02280 JW PVT
Judge: Hon. James Ware

**STIPULATION EXTENDING
DEFENDANT'S DEADLINE TO RESPOND
TO COMPLAINT**

IT IS HEREBY STIPULATED BY AND BETWEEN Plaintiff Joseph Birdsong, individually and as representative of the putative Class, and Defendant Apple Computer, Inc., pursuant to Fed. R. Civ. P. 6(b) and N.D. Cal. Civil L.R. 6-1(a), and consistent with the parties' prior agreements, that Defendant's deadline to answer or otherwise respond to Plaintiff's Complaint is extended until September 15, 2006.

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1 IT IS SO STIPULATED.

2 Dated: August 8, 2006

NEBLETT, BEARD, ARSENAULT

3
4 By: /s/ J.R. Whaley

5 Richard Arsenault
6 John Randall Whaley

7 Attorneys for Plaintiff
8 JOSEPH BIRDSONG,
9 individually and as representative
10 of the putative CLASS

11 Dated: August 8, 2006

KIRKLAND & ELLIS LLP

12 By: /s/ Mark E. McKane

13 James F. Basile
14 Mark E. McKane

15 Attorneys for Defendant
16 APPLE COMPUTER, INC.
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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Mark E. McKane, am the ECF user whose ID and password are being used to file this
STIPULATION EXTENDING DEFENDANT'S DEADLINE TO RESPOND TO COMPLAINT.
In compliance with General Order 45, X.B., I hereby attest that John Randall Whaley, counsel for
Plaintiff Joseph Birdsong, has concurred in this filing.

/s/ Mark E. McKane

Mark E. McKane